

1 MR. HOLLEY: To answer your question, this
2 document that Mr. Harris gave me says, Revised
3 August 3rd, '05. So it's pretty new, the
4 revision. Now, yeah, I admit -- I mean, I take
5 the blame. I'm your city manager, and I've
6 been on board about six months. But we were
7 trying to protect the City's interest. Okay?
8 The reasons those boxes are back there in the
9 hall, we didn't have anymore room. The
10 personnel files were not left in the hall
11 always. We were trying to make room.
12 Ms. Gunnels had control over those. We're not
13 aware that any city employee went in those
14 files while they were in there.

15 Now, you know, they talked about
16 abandoned -- I mean, property thrown away and
17 destroyed. The Supreme Court has ruled that
18 once you throw something in the trash can, then
19 you no longer have a right of privacy. That's
20 why some news man that wants to can go to your
21 house. And, if your trash can is out by the
22 road, he can go through your trash. This was
23 not property thrown away. It was entrusted to
24 city employees to put on the back of a city
25 vehicle to try to save the city money because

1 they were burning a house. They actually
2 scattered the files all over the floor like
3 cinder so it would be properly burned.

4 Now, I think what is important here is that
5 if Mr. Van Meter thought that, oh, something is
6 amiss, they've made arguments that those files
7 were left there where anybody could get them.
8 If he had been a police officer in this City
9 for a total 27 years, why didn't he take
10 control? Why didn't he go to his supervisor?
11 Why didn't he come to me and say, y'all need to
12 protect the property.

13 Second of all, like Mr. McCoy asked and I
14 asked him earlier, why didn't you tell
15 somebody? Now, he took my file. Quite
16 frankly, I didn't know I had a file from 1977.
17 He could have slipped it under my door. As he
18 said, he knew where I lived. He could have
19 brought it to my house. He had my city cell
20 phone number. And he didn't.

21 COUNCILMAN MALONE: I understand that. But
22 my question is we have got him not charged but
23 he has been disciplined for theft.

24 MR. HOLLEY: Yes, sir. Nobody gave him
25 permission to get on the back of a truck and

1 take property, sensitive property. And, as you
2 know, right now, with the name and the social
3 security number, you can steal identity. Now,
4 I asked Dean --

5 COUNCILMAN MALONE: Okay. They stayed in
6 the hall for nine to 10 days. Anybody could
7 have went in there and got them.

8 MR. HOLLEY: No, sir, not all personnel
9 files were in there.

10 COUNCILMAN MALONE: We don't know that.
11 The statement doesn't say that.

12 MR. HOLLEY: Well, none were taken back
13 there, Mr. Malone.

14 MR. NIX: If anybody had taken them, that
15 would have been theft, too.

16 COUNCILMAN MALONE: I understand that.

17 MR. HOLLEY: If we find out somebody took
18 them, they should be disciplined or prosecuted,
19 also.

20 COUNCILMAN MALONE: I understand that. But
21 they was left unattended for nine to 10 days.

22 MR. HOLLEY: But that doesn't make it right
23 for him to take them.

24 COUNCILMAN MALONE: Well, I'm not saying he
25 wasn't wrong for taking them. But the theft --

1 we got him for theft.

2 MR. HOLLEY: Yes, sir. I asked him --

3 COUNCILMAN MALONE: What is the value?
4 What is the monetary value?

5 MR. HOLLEY: The intrinsic value is not
6 important. It's the fact that those files did
7 contain personal information. I asked Mr. Van
8 Meter in front of this council, as long as
9 you've worked here, have you ever known of one
10 employee to be in possession of somebody else's
11 personnel file? No.

12 Second of all, I asked him in the hearing,
13 Dean, did you read in those files? He said,
14 No, I didn't read them. But yet there's a
15 statement taken by one of your detectives from
16 a police officer, the police officer says he
17 ran into Dean's son, Preston. And Preston,
18 according to the police officer, said, Hey, my
19 daddy is on administrative leave, paid
20 administrative leave because he took some
21 files. And something to the effect, Now, Brian
22 Poe can sue the city again. So that indicates
23 somebody had to read the file.

24 Now, there's a bigger issue here, too.
25 Okay? Your police chief, the department head,

1 recommended termination. After looking at the
2 facts, after a proper due process hearing,
3 after answering questions, my questions, after
4 having him listen and the lawyers present, I
5 upheld the department head's recommendation.
6 If you all don't, then you're going to create
7 more problems for the City.

8 What are you going to do when a street
9 department employee takes a couple of fittings
10 because he might run a business on the side?

11 COUNCILMAN MCCOY: Judge Milford, don't you
12 think that this type of discussion is probably
13 going to be better for deliberation after we
14 have made a decision whether it's an actual
15 theft or not?

16 JUDGE MILFORD: Well, the hearing is
17 supposed to be informal as possible. And I've
18 been trying to do that.

19 COUNCILMAN MCCOY: I do have one question
20 for the city inspector. Is he here?

21 MR. NIX: Who?

22 COUNCILMAN MCCOY: Jerry.

23 MR. HOLLEY: I don't know.

24 COUNCILMAN YARBROUGH: He said he was going
25 home when he locked the city hall up over

1 there.

2 MR. HARRIS: Could I make a response to
3 something that Judge Holley just said?

4 JUDGE MILFORD: I don't see why not.

5 MR. HARRIS: Judge Holley is sitting there
6 saying, you know, bottom line is he took the
7 files. And, you know, the way I see this --
8 and maybe I'm wrong -- the same reason he asked
9 him, well, why didn't you ask somebody? Why
10 didn't you do this? The answer to that is real
11 simple. It's the same reason that those files
12 were left in the hall for nine days. And it's
13 the same reason that they were left scattered
14 in a house for several hours in an abandoned
15 house all over the floor, and it's the same
16 reason that the City of Lanett did not abide by
17 state law by not getting permission to destroy
18 these files, because nobody ever thought about
19 it.

20 Dean just didn't think there was anything
21 wrong with it. And, if he didn't think
22 anything was wrong with it, it's not a theft
23 because there's no intent. And you can call it
24 administrative. You can call it a disciplinary
25 action. You can call it a disciplinary

1 charge. You can call it anything you want to
2 but call the man a thief. Calling a man who
3 has been a police officer for 27 years a thief
4 and you're labeling him as that with these
5 charges because he made a mistake and the City
6 has made a mistake here. And I think at the
7 end of the day, every one of y'all up there,
8 everybody here, I've known everybody here just
9 about, for a long time. And there ain't a soul
10 here that's not a decent human being and not
11 conscientious about what they're doing right
12 here tonight. And I think that the best way
13 that the City could be served here, the best
14 way is for everybody to take responsibility and
15 say we made some mistakes. We don't have a
16 proper procedure. We didn't look at the state
17 law. We didn't follow it. We made a mistake.

18 The chief of police, maybe he jumped the
19 gun a little bit on what he thought happened
20 here. He didn't even get Dean's side of the
21 story before he started an investigation. Got
22 Teddy Morris's summary in there of his
23 investigation. The chief of police told him
24 who to interview and what to do. He didn't
25 gather facts. He started trying to go prove a

1 case that Dean Van Meter was a thief.

2 And what the City of Lanett would be best
3 served by, in my opinion -- and this is an
4 informal hearing, so I can give my opinion --
5 is for everybody to just sit back, take some
6 responsibility and say, hey, we've made some
7 mistakes here. Let's address it so it doesn't
8 happen again. Then everybody wins. Everybody
9 wins. You're not throwing a man who has given
10 27 years of his life away. You folks have met
11 your responsibility. Judge gets a procedure
12 that he can deal with from now on so it doesn't
13 happen again. And the people of the City of
14 Lanett are best served. That's what needs to
15 happen here.

16 MR. NIX: Let me respond. Bill made some
17 good points, and Mr. Malone made some good
18 points. And, as the city attorney, I would
19 advise the council and -- excuse me -- the city
20 manager who is the chief employment officer of
21 the City, if other mistakes were made, other
22 discipline needs to be meted out.

23 COUNCILMAN MCCOY: I agree.

24 MR. NIX: If we find, as Mr. Harris very
25 astutely and eloquently stated, that we didn't

1 follow a policy, by golly, let's do something
2 about it. Somebody else screwed up. Call them
3 on the carpet. Give them a discipline. I
4 agree with him in part.

5 MR. HARRIS: Well, if you agree with me,
6 Mr. Nix, why wasn't there an investigation done
7 to talk about these files that were sitting
8 there in the hallway? Was there an
9 investigation to determine if anything was
10 taken out of those files?

11 COUNCILMAN MCCOY: Would we have known if
12 we had any other problems had we not done an
13 investigation? Would we have known that there
14 were other problems that you're pointing out,
15 because you asked the question, why did we do
16 an investigation --

17 MR. HARRIS: No. I'm saying why wasn't one
18 done? Nobody did an investigation to determine
19 if anything was taken out of those files.

20 COUNCILMAN MCCOY: No, you say -- you
21 asked --

22 MR. HARRIS: There may very well have been
23 something taken out of those files that sat out
24 in the hallway for nine days. But you don't
25 know it because you didn't have somebody as

1 honest as Dean Van Meter to say, hey, I made a
2 mistake. Yeah, I got ones that came off the
3 truck. Here they are. There may have been
4 files out of that box that are right now
5 somewhere else that you don't know about.

6 MR. NIX: Well, you know, Mr. Harris,
7 Mr. Van Meter isn't the one that came up first
8 with this. And you've read the investigation
9 file. It came not from Mr. Van Meter. And I
10 would tend to agree with you if Dean had come
11 up and gone, you know, boy, I thought about it
12 and I'm changing my mind. But all of this came
13 up because somebody saw him. My response to
14 you would you be -- and I think you're right --
15 hey, if we had seen somebody rooting around in
16 those files and somebody had come to Joel and
17 go, hey, there's some files sitting out there
18 in the hall --

19 MR. HARRIS: But you don't know that
20 anybody didn't root in it, is my point, because
21 that wasn't investigated.

22 MR. HOLLEY: Mr. Mayor, it doesn't matter.
23 It doesn't really matter. If we need a written
24 policy to destroy records, we can develop
25 that. If we had had a written policy, if we

1 didn't comply with every "I," dot every "T" in
2 that, this still doesn't change the fact that
3 an employee got in the back of a pickup
4 truck -- not by a barrel, but on the back of a
5 pickup truck and went through files.

6 MAYOR CRAWLEY: And where was the truck
7 located?

8 MR. HOLLEY: Back of the fire department.

9 MR. HARRIS: Beside the barrel they were
10 burning. Beside the barrel.

11 MAYOR CRAWLEY: Were they burning? Were
12 the files being burned in the barrel?

13 MR. VAN METER: I don't know. I didn't see
14 any smoke or anything coming out.

15 MR. HOLLEY: If you read the statements,
16 there are three firemen that say that. Yes,
17 sir. They're present.

18 MAYOR CRAWLEY: My question to you all is
19 what I want to know is was the files was city
20 property and were they on city property? And
21 were they taken off of city property? It
22 doesn't have to be files. It could have been
23 anything. It could have been that recorder.

24 MR. INGRAM: Mr. Mayor, answer yes, yes,
25 and yes to each one of those questions. The

1 fact of the matter is once the problem appeared
2 to Mr. Van meter, he immediately returned the
3 files. Not only tried to, he did return the
4 files that he had in his possession.

5 Now, Mr. Nix likes to keep making the
6 statement, yeah, he returned them because he
7 got his hand caught in the cookie jar. Well,
8 are we not here because the City got their hand
9 in the cookie jar, too, because they didn't --
10 something was done wrong and now their hand is
11 caught in the cookie jar? And we're in the
12 same procedure because Mr. Van meter is the
13 problem here? That's not the case. You know,
14 he didn't do anything intentionally. Y'all
15 didn't do anything intentionally. He's wanting
16 his job back. He loves this City. He has
17 served this City, and that's what this is all
18 about. He doesn't want to walk out of here and
19 be in disagreement with anyone here. He made a
20 mistake. He admitted his mistake. The
21 investigation started. Word came down to him.
22 He says, hey, I guess I've done something
23 wrong. I'm going to bring it back. His hand
24 wasn't caught in the cookie jar. This is an
25 honest man. If he thought he was doing

1 something wrong, maybe he would have contacted
2 somebody and said, hey, can I have these
3 files?

4 Y'all all have known this man. You've
5 known him for a long time. You know what kind
6 of person he is, what kind of individual he
7 is. Don't make a scapegoat out of him because
8 something else was not done right and something
9 happened in the City and some files got
10 missing. You know, this is not the right place
11 or the right time or the right person to do
12 this to.

13 COUNCILMAN MALONE: The statement right
14 here. I mean, I know I'm not doing this, but
15 this is written by Mr. Hal Shealey, and this
16 bothers me. I know that this -- he said here
17 that when they went to scatter the files
18 through this vacant house, he noticed some
19 furniture that was inside the house.

20 COUNCILMAN MCCOY: What?

21 COUNCILMAN MALONE: Some furniture,
22 contents. He went back. When they went back
23 to burn it, the furniture was gone. So that
24 means somebody had entered this house. And who
25 can say that when they entered it that they

1 didn't take any files? The statement said they
2 scattered files.

3 MR. NIX: And, if we find out who they are,
4 we'll either charge them with theft or
5 discipline them.

6 COUNCILMAN MALONE: There were a lot of
7 errors made. That's what I'm saying.

8 MR. HARRIS: Mayor Crawley, I would like to
9 respond to what you're talking about, about the
10 recorder, the comment that you made that it was
11 no different than the recorder.

12 MAYOR CRAWLEY: Yes.

13 MR. HARRIS: In principle, I agree with
14 you. But, in this situation, I can't agree
15 with you and the reason being is we're talking
16 about these files that Dean thought were of no
17 value and were being discarded and were trash,
18 whereas that recorder is something obviously of
19 value and obviously belongs to somebody. And
20 he would know that that was somebody's
21 property. I mean, I think we're talking apples
22 and oranges there. And so I don't really think
23 that your analogy there is admirable. I mean,
24 that's what, as I see it. He thought this was
25 trash. He thought it was discarded stuff that

1 was of no value to anybody, to the City or
2 anything else. Dean or anybody else is not
3 going to come in here and take that tape
4 recorder. They would know that was theft of
5 property. They know that belongs to the City.
6 It's in this building. It's sitting there.
7 It's not beside a burning barrel with five
8 other tape recorders sitting there burned up in
9 a barrel in a truckload that they're going back
10 and forth putting in the barrel. So, now, I
11 don't think that analogy is really fair with
12 some other type of property. I mean, we kind
13 of got a unique situation here, I guess is what
14 I'm saying, as far as the property itself.

15 COUNCILMAN MCCOY: When we get those people
16 to sign that release whenever we burn houses,
17 are we taking responsibility of that property
18 until that is completed? Are we assuming any
19 liability on those houses or anything?

20 MR. HOLLEY: If we get a court order or a
21 release to burn a house, then the owner has had
22 plenty of time to remove anything they want.
23 Anything that's left in the house, when they
24 give notice of the burning, is assumed that
25 they don't want. Now, I don't know anything

1 about any furniture.

2 But, see, the problem here is that for
3 whatever they say, Dean took those files. The
4 only thing they can do is do deflect blame on
5 somebody else. If they want to blame me,
6 that's fine. If they want to blame
7 Ms. Gunnels, that's fine.

8 MR. INGRAM: Judge, we're not blaming
9 anybody here tonight.

10 MR. HOLLEY: But deflecting guilt. Okay?

11 MR. INGRAM: We're not deflecting guilt.

12 MR. HOLLEY: Well, yes, you are. You're
13 saying because we didn't do this or we didn't
14 do that, you shouldn't do this. It doesn't
15 matter if other people took files. If we know
16 about it, we'll do that, too. But, you know,
17 all the mayor and council are trying to do
18 things right in the City. And by golly I
19 certainly have tried to do that since I been
20 down here for the last six and a half months.
21 To do the best we can for the welfare of the
22 City. And, in making my decision, I even put
23 in writing that my consideration had to not
24 only go to this employee but to the welfare of
25 the City as a whole.

1 For whatever reason, this is a 27-year law
2 enforcement man. Any reasonable person would
3 have known those were personnel files and you
4 ask somebody before you take them. If Dean
5 wanted to give me my file for sentimental
6 reasons, he had 26 or 27 days to do it. For
7 whatever reason, he didn't return them until he
8 found out there was an investigation. I'm
9 sorry. He did it. And whatever y'all decide
10 is going to set precedent.

11 Now, they can -- and rightfully so -- if we
12 made a clerical mistake about a policy, that
13 hasn't got nothing to do with somebody taking
14 City property. And I disagree with Mr. Harris,
15 respectfully. In my opinion, those personnel
16 files were probably just as or more important
17 than a tangible piece of property, because it
18 does have personal information.

19 Now, I certainly don't think Dean would
20 have given my social security number away.
21 But, if he did, somebody could steal my
22 identity. I don't think he would, but my file
23 was taken.

24 MR. HARRIS: So could somebody in that
25 abandoned house.

1 MR. HOLLEY: Excuse me. I didn't interrupt
2 you. Don't interrupt me. Okay? It doesn't
3 matter. You can say people took files over
4 there. You can say 25 people. But it don't
5 change the fact that your client did it, too.
6 That's the difference.

7 MR. HARRIS: Judge, we conceded that right
8 from the start that he took the files.

9 MR. HOLLEY: Well, I want you all to
10 understand that whatever you decide is going to
11 set some precedent, and we've been trying to do
12 things right. If you want to be able to
13 continue to have effective department heads on
14 management teams, you're going to have to stand
15 behind them. Because, if you don't, you're
16 going to have chaos down here.

17 COUNCILMAN MALONE: Mr. City Manager?

18 MR. HOLLEY: Yes, sir.

19 COUNCILMAN MALONE: My concern again is due
20 process of this employee.

21 MR. HOLLEY: Yes, sir. Ours, too. We've
22 gone over backwards to do that.

23 COUNCILMAN MALONE: I understand. I
24 understand. How long was it before we took
25 Mr. Van Meter's statement before he knew he was

1 being investigated?

2 MR. HOLLEY: That's a good question.
3 Mr. Harris talked about, Well, they didn't even
4 ask him. When the police chief came to me and
5 said I have information that personnel files
6 belonging to the City were taken, at that point
7 we really didn't know who. He had a good
8 idea. Because Mr. Poe refused to tell him who
9 took them. So I advised the police chief you
10 need to start an internal investigation,
11 because at that point we didn't know what all
12 was involved.

13 We didn't have a duty to go to him right
14 there. So he took his investigators and says,
15 these are the people's names that we found out
16 or he found out maybe knew something about it.
17 We tried -- he tried to contact everybody that
18 had any knowledge. And rightfully so, he
19 contacted Mr. Van Meter. Dean came in with a
20 printed typed -- pre-typed statement, and he
21 gave another statement. Even talked about the
22 Garrity Rule. That's a special protection for
23 police officers to invoke that so that he can
24 talk or he can answer questions. We don't have
25 any -- nobody has any inkling to charge him

1 criminally. None whatsoever.

2 So we've bent over backwards for due
3 process. Okay? And, you know, they make some
4 good points, you know. You bet your bottom
5 dollar if we destroy records again, whatever it
6 costs the City, we'll rent a commercial
7 shredder and spend, I don't know, a thousand or
8 two thousand dollars to shred files. First
9 time we ever done it. If you have to keep
10 personnel records six years after an employee
11 leaves -- my file was dated 1977. So nothing
12 had been destroyed before then. We had run out
13 of room. And they can say you didn't do this
14 and somebody maybe should have guarded it with
15 a gun. My Lord, if he's a policeman, why
16 didn't he can take possession of them?

17 COUNCILMAN MALONE: Mr. City Manager, do
18 you believe that this would be just like a bad
19 judgment instead of a theft charge?

20 MR. HOLLEY: No, sir, I don't. Any
21 reasonable person knows that you don't take
22 personnel files. Or if you see them, you go to
23 somebody and ask them about it.

24 COUNCILMAN MALONE: Have we ever had a
25 meeting with employees and inform employees

1 what they should do when they come --

2 MR. HOLLEY: Tony, you don't have to do
3 that. You don't tell an employee not to steal.

4 COUNCILMAN MALONE: When it comes to
5 personnel files and policy, have employees been
6 briefed?

7 MR. HOLLEY: Sir, I've not been here six
8 months --

9 COUNCILMAN MALONE: I know you haven't.
10 What I'm saying is we haven't.

11 MR. HOLLEY: All I can say is this. I'm
12 sorry this has happened to this employee. But
13 I had to consider the overall good of the City
14 and what would happen down the road. And I
15 want y'all to consider that, too. I'm sorry
16 for Dean. I've known him a long time. And you
17 can say everything you want to say. But how
18 many of you know -- you're a school teacher,
19 and you work for a corporation. You work for a
20 corporation. You work for an attorney
21 corporation. How many of you know you don't go
22 take a file that has somebody's name on it and
23 keep it?

24 COUNCILMAN MALONE: It wouldn't be theft.

25 MR. INGRAM: I don't think he kept it.

1 Mr. Holley, I don't think he kept it.

2 MR. HOLLEY: Yes, sir, he did keep it.

3 MR. INGRAM: No, sir, he did not keep it.
4 He returned the files.

5 MR. HOLLEY: No, sir, he didn't return
6 them.

7 MR. INGRAM: Wait a minute. Wait a
8 minute. You stopped. Now, don't interrupt me.

9 MR. HOLLEY: I wasn't finished. You
10 interrupted me, sir.

11 COUNCILMAN MCCOY: Judge, I think we
12 probably need to go into --

13 MR. HOLLEY: He didn't return them all. He
14 gave them away to people.

15 MR. INGRAM: The fact of the matter is --
16 the fact of the matter is that Mr. Don Phillips
17 contacted the City.

18 MR. HOLLEY: No, sir, he did not contact
19 the City.

20 MR. INGRAM: Somebody contacted the City on
21 behalf of Brian Poe.

22 MR. HOLLEY: No, sir, they did not. You're
23 wrong. Just like you were wrong when you
24 thought he just had the files a day or two.
25 No, sir. I contacted Don Phillips because we

1 had information -- the Chief of Police had
2 information that Mr. Van Meter had taken
3 files. One of them was Mr. Poe's, and that
4 Mr. Poe took it to his lawyer.

5 MR. INGRAM: So how did the Chief get that
6 information?

7 MR. HOLLEY: I don't know. Ask him. He's
8 here. Do you want to?

9 MR. INGRAM: Well, I'm sure you've already
10 asked him. Can't you answer my question?

11 MR. HOLLEY: I think another employee told
12 him.

13 MR. INGRAM: That's what this all involves,
14 though. Because Brian Poe and Don Phillips
15 made some sort of threat or you heard somebody
16 say, Going to sue the City again.

17 MR. HOLLEY: No, sir. That allegedly came
18 from your client or somebody connected to him.

19 MR. INGRAM: Well, my client never said
20 that.

21 MR. HOLLEY: Well, I tell you. I went to
22 -- Well, maybe Mr. Poe made the allegation. I
23 don't know. But, now, if you want to know the
24 truth, I don't know, but apparently Mr. Poe had
25 some sort of dealing with the City long ago.

1 It resulted in some sort of lawsuit. From what
2 was told to me -- or this is like three times
3 hearsay -- he felt concerned because there was
4 certain information supposed to have been
5 removed from his file. I don't know whether
6 that's true or not. I did go to Mr. Phillips
7 and made him aware. And Mr. Phillips says
8 there was no confidentiality agreement to my
9 knowledge in that; I will return your file. So
10 Mr. Phillips brought the file to me, because he
11 recognized it was city property. Did it within
12 an hour or an hour and a half.

13 JUDGE MILFORD: Let me kind of interject in
14 here. I think Councilman McCoy made a good
15 point. We've moved into several statements
16 that have been of a general nature of closing
17 arguments, for lack of a better way to term
18 them, even though we're not in a formal court
19 setting.

20 Is there any other evidence that either
21 side feels need to be presented?

22 MR. HARRIS: I would just like to address
23 one thing that Judge Holley just said about the
24 statement that I would like to clarify that
25 Mr. Van Meter made. That he came in and had a

1 typed statement, that's correct. And then he
2 gave another statement while he was there.
3 There was also another statement there, and the
4 statement that was given by him then at that
5 time was written by Detective Morris and handed
6 to Dean and told him to sign it. And he told
7 him that, basically, in the statement -- wrote
8 the statement for him, you know, I admit
9 stealing these files. And Dean wouldn't sign
10 that. So there was another statement there,
11 too. And that was from the City, and that was
12 basically -- The way this whole investigation
13 was conducted was not a fact-finding mission,
14 but more of a criminal-type investigation where
15 you're trying to prove a case versus a
16 fact-finding mission to find out what's going
17 on and let these people make a decision. Judge
18 Holley and everybody else that's involved. If
19 you'll look at every one of those statements,
20 three-quarters of them were written by
21 Mr. Morris.

22 Now, I was a police officer for a lot of
23 years myself, and I put a lot of people in jail
24 over the years. And I've taken a lot of
25 interviews over the years. And, as a rule of

1 thumb, a police officer does not write a
2 statement for somebody unless they specifically
3 ask him to because, number one, they don't have
4 the educational requirements to write one
5 that's legible or articulate enough to serve
6 the purpose. And then you would write it for
7 them and read it to them and let them sign it.

8 Now, you know, all of these statements were
9 written by him. They were all signed a certain
10 way. You're going to have a hard time
11 convincing me Ms. Gunnels couldn't write her
12 own statement. I met her the other day. Very
13 articulate lady. Very nice. She can write her
14 own statement. Dean could have wrote his own
15 statement. Here's the statement, sign it. I
16 don't like the one you've got.

17 JUDGE MILFORD: Does the City have any
18 other evidence you want to present?

19 MR. NIX: We had planned to call Lieutenant
20 Van Meter. I mean, but he's been forthcoming
21 about his involvement. He's answered the
22 questions we want to. At the appropriate time
23 when Your Honor decides and when Mr. Harris and
24 Mr. Ingram are comfortable with it because we
25 want them to have the opportunity to present

1 whatever evidence they want to, then we just
2 have a couple of comments to close, as I'm sure
3 they do.

4 JUDGE MILFORD: Does Mr. Van Meter have any
5 other evidence that he wants to present? Not
6 in the nature of argument, but any other
7 evidence?

8 MR. HARRIS: The only other thing, Judge,
9 that I've got that I would like to present, I'd
10 like to give a copy to every member here, and
11 that's a copy of the *Code of Alabama* that says
12 what the definition of theft of property is.
13 So that when you do deliberate, you can see
14 what the law says theft is. Not what I say and
15 not what somebody else says, but you can see
16 what the law says.

17 COUNCILMAN MALONE: I'm curious,
18 Mr. Harris. It's kind of insignificant. When
19 did I ever meet you?

20 MR. HARRIS: You know, I'm not sure.

21 COUNCILMAN MALONE: You said you've known
22 me a long time.

23 MR. HARRIS: Well, I've known of you. I've
24 known of Mr. Malone. I have known of
25 Mr. Heard. I've known of Mr. Crawley. I grew

1 up several miles down the road from Judge
2 Milford. I've known Mike Yarbrough for 13
3 years. I know Kyle's family. I've never met
4 Kyle to know Kyle. I've known Judge for 30
5 years. There's not a person here -- my point
6 was I think everybody here wants to do what is
7 the right thing for the City of Lanett. I
8 mean, that's what this whole thing should be
9 about.

10 COUNCILMAN MALONE: I understand.

11 JUDGE MILFORD: Any other evidence that you
12 want to present?

13 MR. HARRIS: I don't have to give that to
14 them right this minute. But before they
15 deliberate, I would like for them to have that.

16 JUDGE MILFORD: Does any member of the City
17 Council have any questions? At this point,
18 what I'd like to do by winding up is let each
19 side have an opportunity to summarize their
20 position. And then, Mr. Nix, I will ask you
21 since you're more familiar with the City's
22 policies than I am to indicate to the council
23 how they should proceed from here.

24 MR. NIX: I will, Your Honor. Thank you
25 very much. And basically --

1 JUDGE MILFORD: Does any member of the
2 counsel have anything they want to say?

3 COUNCILMAN MALONE: I do. I want to hear
4 from Ms. Gunnels.

5 COUNCILMAN MCCOY: Could we take a
6 10-minute break?

7 JUDGE MILFORD: Yes.

8 (RECESS)

9 JUDGE MILFORD: Let the Record reflect the
10 mayor and council are all present. Councilman
11 Malone has asked Ms. Gunnels to present some
12 evidence. Ms. Gunnels, would you raise your
13 right hand?

14 (WITNESS SWORN)

15 COUNCILMAN MALONE: Ms. Gunnels, in your
16 statement, you stated that you began to bring
17 the personnel files into the hall on 9/23 of
18 '05, to see what you had to burn. You also
19 stated that you had a very heavy large-duty
20 trash bag or file that was given to Captain
21 Meecham for him and his shift to burn on that
22 day, and they did not burn them on that day.

23 MS. GUNNELS: They did burn them on that
24 day.

25 COUNCILMAN MALONE: Now, on the 26th, you

1 stated that you had placed nine boxes in the
2 hallway again to be burned. I think they
3 burned the house on October the 4th.

4 MS. GUNNELS: The 3rd. It was the 3rd.

5 MR. HOLLEY: Monday night.

6 MS. GUNNELS: They burned it after the
7 council meeting.

8 COUNCILMAN MALONE: So the file that you
9 gave him on the 23rd, they didn't burn all of
10 them at one time. There was some left from
11 your statement?

12 MS. GUNNELS: There were two boxes that
13 were put into the trash bag, and they were
14 taken out by Kelly Meecham on that Friday, the
15 23rd, and burned. And then there were nine
16 more boxes that were going to have to be
17 burned.

18 COUNCILMAN MALONE: Were all of the items
19 to be burned left in the hallway on that day?

20 MS. GUNNELS: No. No. Well, now, I take
21 that back. There were some files -- there was
22 a lot of boxes in the hallway. Because when we
23 were moving, Focchan was moving into the old
24 personnel office. And there were some
25 computers there that could not be moved. So

1 Focchan and I had to swap offices. So Focchan
2 had to move -- the room was in a huge mess.
3 There were boxes everywhere, files everywhere
4 in that room. So the boxes in the cabinets,
5 the file cabinets had to be moved out in the
6 hallway for Focchan to move in. That was
7 sometime previous to September 23rd.

8 COUNCILMAN MALONE: Did you give any
9 firefighters any special instructions to tell
10 them what to do or not to do or make sure that
11 nobody retrieved any files?

12 MS. GUNNELS: I said, these are personnel
13 files. These are to be burned.

14 COUNCILMAN MCCOY: You told that to who?

15 MS. GUNNELS: I told that to Kelly
16 Meecham. I told that to Tim Jennings, and I
17 believe Hal Shealey, also.

18 COUNCILMAN MCCOY: Okay.

19 JUDGE MILFORD: Mr. Nix, do you have any
20 questions?

21 Mr. Harris, do you have any?

22 MR. HARRIS: No. I just got one thing, and
23 we touched on this before, Ms. Gunnels. That
24 was the only instructions they got, correct?
25 That you gave them as far as files, just that

1 they're personnel files and need to be burned?

2 MS. GUNNELS: Yes. As far as I remember.
3 But there were other boxes of other information
4 such as payroll stuff and so forth that were to
5 be burned, too. There was a whole hall full of
6 boxes.

7 MR. HARRIS: I guess my question -- let me
8 try to rephrase it. You didn't give any
9 special instructions that these are
10 confidential records; make sure nobody bothers
11 them?

12 MS. GUNNELS: I said, These are personnel
13 files. These are to be burned.

14 MR. HARRIS: That was specifically what you
15 said and nothing more? I just want to try to
16 be clear on what these people were told is
17 all.

18 MS. GUNNELS: I mean, I guess I assumed
19 that anyone would know that personnel files
20 were confidential.

21 MR. HARRIS: Thank you.

22 COUNCILMAN MCCOY: It has been made a lot,
23 and I just want to kind of -- because you work
24 in this area -- about this hallway. What is
25 the public access to this hallway?

1 MS. GUNNELS: The doors -- okay. This door
2 on this side coming out from the fire
3 department is open every day, but the public
4 would not really know that. The fire
5 department comes in and out of that door. The
6 backdoor is to be -- by my office is to be kept
7 locked at all times.

8 COUNCILMAN MCCOY: Okay. And then there's
9 a door going into where Genelle and all of
10 those are?

11 MS. GUNNELS: Yeah, but that has a code.

12 COUNCILMAN MCCOY: Okay. But, I mean, so
13 the only one -- I'm just trying to determine,
14 you know, because we made a big -- these files
15 had been out in this hallway that anybody could
16 walk by and get them or whatever. I'm just
17 trying to determine how much public access is
18 really in this hallway.

19 MS. GUNNELS: Well, you might have somebody
20 coming by Jerry Thrower's office. But I would
21 not say that there's a whole lot of traffic
22 from the public out there, because really they
23 wouldn't have that much business back there
24 unless they were going to see Jerry Thrower.

25 COUNCILMAN MCCOY: Okay. And who all's

1 offices and what is in this hallway?

2 MS. GUNNELS: Okay. My office is over
3 there on the very end by the backdoor.

4 COUNCILMAN MCCOY: Okay.

5 MS. GUNNELS: Jerry Thrower's is back
6 there. The kitchen is back there. But the
7 backdoor, the employees have a key to come in
8 and out the city hall.

9 COUNCILMAN MCCOY: Okay.

10 MS. GUNNELS: The access doors, all of
11 those doors we've been told by the auditors are
12 to be locked into the other offices which would
13 be utilities and whatever.

14 COUNCILMAN MCCOY: Okay. So personnel,
15 your office, the kitchen, the city building
16 inspector and --

17 MS. GUNNELS: And, when I leave my office
18 over there, if I'm going to be gone any length
19 at all, I lock the door.

20 COUNCILMAN MCCOY: I'm just trying to
21 determine if this is a heavily common traveled
22 access or what?

23 MS. GUNNELS: No, I wouldn't say that it
24 is.

25 COUNCILMAN MCCOY: Okay.

1 COUNCILMAN MALONE: Other than employees?

2 MS. GUNNELS: Other than city hall
3 employees.

4 COUNCILMAN MALONE: City hall employees?

5 MS. GUNNELS: Right.

6 COUNCILMAN MALONE: Did you follow any type
7 of maybe process or policy when you thought
8 about destroying these files? Was there
9 anything in place that you went by?

10 MS. GUNNELS: We were not. We were not
11 throwing them away. We were to destroy them.

12 COUNCILMAN MALONE: Did you follow any type
13 of --

14 MS. GUNNELS: There is -- we don't have a
15 policy, no. City of Lanett does not have a
16 policy about destroying files. This was
17 something regarding the State that you can
18 destroy them and they can be destroyed by
19 shredding or by burning.

20 COUNCILMAN MALONE: So you had to pull
21 something from the State? A website or
22 something another?

23 MS. GUNNELS: Debra had a book, and then I
24 pulled something off of the Internet. And we
25 kept up with everything that was in the boxes

1 what was to be burned, how much you burned and
2 so forth.

3 COUNCILMAN MALONE: Were you aware of
4 this -- what is that you all were handing out
5 while ago?

6 MR. HARRIS: Local Government Records
7 Commission.

8 COUNCILMAN MALONE: Are you aware of that?

9 MS. GUNNELS: No.

10 COUNCILMAN MALONE: That's all I have.

11 JUDGE MILFORD: Any other person or
12 attorney have a question, council person? Does
13 anyone have a question for Ms. Gunnels?

14 Do we need to receive any other evidence?

15 Mr. Dean, do y'all have anybody else that
16 you wanted to call?

17 MR. HARRIS: No, sir.

18 JUDGE MILFORD: Okay. At this time I think
19 it would be appropriate for Mr. Nix and Mr. Van
20 Meter's counsel, whichever ones chooses to do
21 so to give you a brief summation of their
22 positions in this matter. And then, Mr. Nix,
23 if you would follow that up --

24 MR. NIX: I will explain the process.

25 Again, and I express gratitude to Mr. Harris

1 and Mr. Ingram and Mr. Van Meter. They
2 followed, I think, what was appropriate
3 protocol in keeping this informal. They
4 obviously are advocates for their client's
5 position, which they should be.

6 I don't think any of the facts are
7 disputed. I mean, we all know Dean and Bill
8 and Jim have all conceded that we know Dean
9 took the file or their position seems to be
10 that it was "didn't realize that something was
11 being done wrong."

12 We, of course, respectfully disagree. This
13 seems to us to be pretty clear-cut that this
14 was something that was obvious. He got on the
15 back of a truck. He took files. They were
16 being destroyed. He didn't seek anybody's
17 permission to do so. Tellingly -- and I'm sure
18 Mr. Harris and Mr. Ingram would interpret this
19 differently than I would, since they
20 distributed the State definition of theft. But
21 I direct your attention to the first one which
22 says, "A person commits the crime of theft if
23 he knowingly obtains or exerts unauthorized
24 control over the property of another with the
25 intent to deprive the owner of his or her

1 property." This was our property. He took
2 it. He gave it to other people. It seems
3 pretty clear-cut.

4 I want to remind you, though, that there
5 are two charges here. One is a Group II
6 offense of theft of property. The other is
7 conduct unbecoming of an officer. There are
8 two charges here that you need to consider.

9 Again, my hat is off to Bill and Jim.
10 They've done what they should do for their
11 client. This is more important than just this
12 one employee. I like Dean Van Meter. I've
13 known him all my life, doggone near it. And
14 I'm sorry he made this terrific mistake in
15 judgment and committed a disciplinary offense.
16 But, gentlemen, there's a change in the
17 attitude of this City that this council has
18 brought about in moving forward, in cleaning up
19 abuses which have existed and attempting to
20 move forward. I have a unique perspective in
21 that I've seen this for many, many years. And
22 finally you have department heads and city
23 managers who have made difficult decisions.

24 If you think this was easy for them to do,
25 you're wrong. It was not easy for them to do.

1 But the message this will send to the citizens
2 of the City of Lanett is extremely urgent.
3 This is a defining moment in this City's
4 history, and I don't mean to be mellow
5 dramatic, but I couldn't emphasize that any
6 more.

7 You hired the police chief. You hired the
8 city manager. It's time to stand behind them.
9 If you don't like the job they're doing, get
10 rid of them. Get rid of Docimo. Get rid of
11 Joel Holley. If you don't think the job
12 they're doing is right, can them. But, if you
13 do have faith in the people that you hire to
14 run this City, then you need to support them.
15 Because, if you don't, it's going to be more of
16 the same. The same old same old that has gone
17 down in this City for years. And finally this
18 council has had the brass to stand up and say
19 we've got to clean up the abuses that have
20 taken place for all of these years. And one of
21 them is to blindside the people that you hire
22 to run this City.

23 I liken you as a board of directors of a
24 corporation. You make policy. You pick a
25 management team. If your management team

1 doesn't run the City or run your corporation
2 the way you're supposed to, you fire them,
3 right? But, if you hire the people that you
4 have faith in, then you listen to them and you
5 support them. This means more than just this
6 one case, I'm telling you. This is going to
7 send a message not only to the citizens of this
8 City, but to every other employee in this City.

9 MR. INGRAM: Mayor and council, thank you
10 for the opportunity to have a hearing here
11 tonight with Mr. Van Meter. And Mr. Nix
12 eloquently put it, as he said while ago, that a
13 mistake was made here. I think there was a
14 mistake of judgment was the term that you
15 used. And at no time in this process have we
16 denied that there was not a mistake made.

17 Our contentions were that once the
18 realization of the mistake was made, that there
19 were efforts to rectify that mistake. At no
20 time did Dean try to take anybody's property
21 for his own use or for anyone else's use.
22 Those files that he took he thought were maybe
23 the property of the person whose name were on
24 the tab. He called those people whose names
25 were on the tab of each one of those files and

1 says, Hey, I've got your old file, would you
2 like to have it? Some of them said yes, and
3 some of them said, well, if I'm going to get in
4 middle of something because I've heard of an
5 investigation, no, I don't want it. But at no
6 time do I think that Dean Van Meter truly
7 thought that he was actually depriving the City
8 of any of its property. And, yes, that was
9 city property. It was on city property when it
10 was taken. Dean did not get in the back of a
11 pickup truck and go scavaging through files.
12 They were out there.

13 As he said, they were destroying files. He
14 asked what they were doing. They said they
15 told him what they were doing. No one has
16 said, Dean, what are you doing going through
17 those files there? Don't you know you can do
18 that?

19 Well, you know, that may or may not be the
20 responsibility of the firemen who were burning
21 the files. We don't know. But we're not
22 trying to lay blame on the City, the city
23 manager, Ms. Gunnels, or anyone else. The
24 files were taken; the files were returned. And
25 the confidential information that Joel keeps

1 talking about, his social security number, well
2 you know, Dean is a lieutenant in the police
3 department. He can pull up anybody sitting
4 here's social security number tonight with a
5 computer. So, you know, it's not like that
6 he's trying to steal somebody's confidential
7 information. He has told y'all he didn't go
8 through the files. They rode around in the
9 back of the truck until he could find some of
10 them. That's why I find it so hard for people
11 not to believe what Dean Van Meter has said. I
12 mean, every day, every day of the week, you
13 know, people like him that work for the City
14 are in court testifying. And we take their
15 word for it, because they swear under oath.
16 You know, this is the way it was. And we have
17 people in prison because of people like Dean
18 that say this is what we did. This is a
19 reason. You know, the boy was honest from day
20 one. He found out there was an investigation.
21 That's when he returned them. And, no, his
22 hands was not caught in the cookie jar and then
23 started bringing them back. He found out there
24 was a problem. He didn't know there was a
25 problem to start with.

1 Mr. Nix talks about, well, we need to do
2 something. We're going to clean up the City.
3 We need to set a precedent. It's going to tell
4 the people of Lanett we're doing our job in
5 here, or y'all are doing your job in here.
6 Well, gentlemen and ladies, what is this going
7 to say to the rest of your employees? Because
8 I want to tell you, you know, I live here just
9 like the rest of you do. And I hear the talk
10 on the street. I will be frank with you. Most
11 people think Dean is getting a raw deal out of
12 this. Most people really don't understand why
13 he's being persecuted this way. And it's a
14 fact that all you have got to do is listen,
15 because it's out there.

16 If Dean had of taken those files and he had
17 tried to done something for his own personal
18 gain, you know, I probably wouldn't be here
19 with him today. But he didn't. He made an
20 honest mistake, a bad judgment mistake. And,
21 if he didn't care for this place, he wouldn't
22 be here today. It's not about a job. Dean is
23 already vested in his retirement. He's not old
24 enough to draw it, but he's already to that
25 point. He doesn't have to go through this, but

1 he loves the City. He loves his job. He's
2 been here for a length of time, and he was
3 trying to do a good job.

4 I've known Dean -- I've been in Lanett over
5 30 years, and I've known Dean ever since I've
6 been here. And I have never found him anything
7 other than an honest, upstanding citizen and a
8 fine police officer.

9 So all we're asking for y'all is to
10 consider exactly what happened here. He took
11 the files, yes. No problem. He brought the
12 files back when he found out there was a
13 problem. There was no intent to deceive
14 anybody, no intent to deprive anybody. The
15 mistake was made. We're all human, and we've
16 all made mistakes. But, to end a 27-year
17 career because maybe or maybe not he has a
18 disagreement or a cross personality with
19 someone else in the City, maybe his department
20 head, you know, the fact is that, you know,
21 Dean wanted to be chief. He wasn't hired as
22 chief. You know, how deep does this go with
23 the chief's office? You know, I can't answer
24 that. Dean can't answer it. Nobody can. But,
25 you know, there's a few political overtones

1 that are in this case tonight. And you all
2 know what I'm talking about.

3 So, when you go back there, I want you to
4 consider the rest of the employees, what
5 they're going to look at. Here's a man who
6 spent 27 years. He made a mistake. He said,
7 I'm sorry. He brought the property back. He
8 didn't try to deprive anybody of it, but he was
9 terminated afterwards. So I appreciate your
10 time and your attention. Thank you.

11 JUDGE MILFORD: Mr. Nix, if you would bring
12 us up to speed on procedure at this point.

13 MR. NIX: Under the procedure, Mr. Mayor --
14 and I've already cleared this with Mr. Van
15 Meter and his counsel -- you basically will
16 need to deliberate in the absence of all of
17 parties including Ms. Daniel, Judge Milford,
18 Mr. Ingram, Mr. Harris, and Mr. Van Meter and
19 Ms. Melanie and Judge Holley. It will just be
20 the council.

21 Our personnel policy basically gives you
22 two alternatives, and I've written them out
23 here for you so y'all can look. Because, when
24 you reconvene, you will need to vote in
25 public. You understand that. And I'm sure

1 Mr. Ingram and Mr. Harris -- and I will do the
2 same thing -- will ask you to vote
3 individually. They'll ask you to poll the
4 council with your votes. There are basically
5 two votes you can make. I've already shown
6 this to Mr. Ingram and Mr. Harris. One is a
7 motion to uphold the decision of the city
8 manager, and that motion would simply read, "I
9 move that we uphold the decision of the city
10 manager regarding Lieutenant Dean Van Meter."
11 If you decide not to uphold the decision of the
12 city manager, I've prepared a second motion
13 that says: "I move that we do not uphold the
14 decision of the city manager regarding
15 Lieutenant Dean Van Meter and recommend the
16 following disciplinary action to be taken." At
17 which point you need to tell us, if you do not
18 decide to uphold the decision of the city
19 manager, what you do desire the city manager to
20 do. He needs some direction.

21 So, Mr. Mayor, when the deliberations of
22 the council -- Now, I'm going to absent the
23 council chambers. As city attorney, you may
24 want to call me for some legal issue. If
25 that's the case, I would like to have either

1 Mr. Ingram or Harris come back in here with me
2 so that they can see that there's no ex parte
3 communication. And I think that would be
4 appropriate under the executive session rules.

5 So, Mr. Mayor, at this time it's incumbent
6 upon all of us here to vacate the premises with
7 everybody except council.

8 COUNCILMAN YARBROUGH: Can I just say
9 thanks? Not to interrupt nobody. I would like
10 to say, the Honorable Mr. Ingram and Harris,
11 you've been gentlemen. Thank you.

12 MR. INGRAM: Thank you.

13 MR. NIX: I echo that sentiment. They
14 always have been. And Mr. Van Meter as well.
15 So, Mr. Mayor, at this point --

16 MR. HARRIS: I've just got one request. If
17 we could have the mayor and council could have
18 the material that I showed to you, Mr. Holley,
19 regarding the statute, State Record
20 Commission.

21 MR. NIX: Mr. Harris had presented to us
22 for your consideration.

23 JUDGE MILFORD: Let me ask one question.
24 Does your procedure require four votes?

25 MR. NIX: Yes. Excellent. Thank you. We

1 have in order -- and I checked this with the
2 Alabama League of Municipalities. Four votes
3 to uphold the decision of the city manager
4 would be a quorum of this council. A tie vote
5 would have the effect of granting their
6 appeal. I checked that with the Alabama League
7 of Municipalities. If there's a tie vote, then
8 your appeal succeeds.

9 JUDGE MILFORD: Or if you have a three-two
10 vote it would not succeed.

11 MR. NIX: It would not succeed. You have
12 to have -- in this instance we have every
13 council member here. In most instances if
14 somebody had gone, if Mr. Heard, for instance,
15 hadn't been able to be here, then a three to
16 two vote would have been sufficient. But I do
17 tell the council -- and I checked this out
18 because I had a question about it -- that in
19 order to uphold the decision of the city
20 manager, it would take a four-to-two vote. A
21 three-to-two or a tie vote would not uphold his
22 decision and would grant the success of Mr. Van
23 Meter's appeal.

24 COUNCILMAN MCCOY: That being said,
25 Mr. Nix, according to this, it says within 10

1 working days of the hearing.

2 MR. NIX: Good point. Thank you,
3 Mr. McCoy. While you do have to vote in open
4 session and you do have to reconvene this
5 session -- is it 10 days or five days?

6 COUNCILMAN MCCOY: The policy that I was
7 looking for, it says within 10 working days of
8 the hearing, the Board will make the final
9 determination in the case. The decision of the
10 Board is final.

11 MR. NIX: Yeah. I think that's the old one
12 that talks about the personnel review board.

13 COUNCILMAN MCCOY: It may be.

14 COUNCILMAN MALONE: It says 10 days if
15 they're going to take it -- but we have got
16 five days as the council.

17 MR. NIX: Back on that Attorney General's
18 rule, it says we can have a personnel review
19 board. I think that's correct. So what that
20 means, gentlemen, is if you decide not to
21 render a decision tonight and you do not, you
22 have five working days to give Lieutenant Van
23 Meter your decision. But, if you do not make
24 that decision tonight, you're going to have to
25 reconvene another meeting. And that meeting

1 would be open, because the sole purpose of that
2 meeting would be to vote.

3 So we're going to absent the council
4 chambers at this time.

5 COUNCILMAN MCCOY: I'm missing one thing,
6 the conduct unbecoming an officer regulation. I
7 can't find it.

8 MR. NIX: That's in the police
9 regulations. I do not think, Mr. Mayor, with
10 your consent -- Judge Milford has been most
11 gracious to come and lend his time to the
12 City. At this point I do not anticipate unless
13 Mr. Harris and Mr. Ingram has anymore need for
14 him, Judge Milford thank you very much for
15 overseeing these proceedings.

16 MR. HARRIS: I appreciate it.

17 MR. NIX: We'll be outside, and I'll be
18 available to answer any legal questions. But,
19 if you call me in, then I will get them to come
20 with me.

21 END OF PROCEEDINGS
22
23
24
25

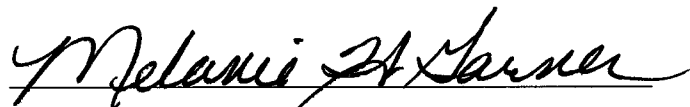
C E R T I F I C A T E

STATE OF ALABAMA
COUNTY OF CHAMBERS

I hereby certify that the above and foregoing proceedings were taken down by me in stenotype and the proceedings were reduced to typewriting under my supervision; that the foregoing represents a true and correct transcript of the proceedings.

I further certify that I am neither of counsel nor of kin to the parties to the action, nor am I in anywise interested in the result of said cause.

Dated this 21st day of January, 2007.

A handwritten signature in cursive script, reading "Melanie H. Garner", written over a horizontal line.

Melanie H. Garner, CSR, RPR

Court Reporter